

EXHIBIT C

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE)
ANTITRUST LITIGATION) No. 11-CV-2509-LHK

-HIGHLY CONFIDENTIAL-

VIDEOTAPED DEPOSITION OF EDWARD LEAMER
San Francisco, California
Tuesday, June 11, 2013
Volume II

Reported by:

ASHLEY SOEVYN

CSR No. 12019

Job No. 1682449

Pages 477 - 856

Page 477

1 that these were extremely important. 17:36:11

2 MR. MITTELSTAEDT: In each respect -- I 17:36:13

3 move to strike that as nonresponsive. I've got 17:36:13

4 three questions that I have left and I'm going to 17:36:15

5 stay here and insist that the witness answer them 17:36:18

6 because he's taking up our time. I'm not going to 17:36:18

7 take up any more time with that. So I -- 17:36:18

8 MR. GLACKIN: If we can just calm 17:36:18

9 everything down and, you know, proceed with a -- 17:36:18

10 some lowered voices in a more measured way, I think 17:36:18

11 that everyone will be happier. I'm detecting a lot 17:36:40

12 of emotion on the other side of the table. 17:36:43

13 MR. HINMAN: Okay. Well, I don't mean to 17:36:54

14 convey that, then. 17:36:58

15 So, I lost my place. Give me a second. 17:36:58

16 MR. GLACKIN: You just read the part that 17:36:58

17 he agreed what he said before in this deposition. 17:36:59

18 BY MR. HINMAN: 17:37:01

19 Q. Yeah, yeah. And then also with respect to 17:37:01

20 the agreements themselves, you also understand that 17:37:04

21 those companies could all recruit from each other in 17:37:08

22 every other way except for cold calling; is that -- 17:37:13

23 A. I understand that. 17:37:15

24 Q. So let me go back to my question, then. 17:37:19

25 There was a lot of rain, to use your analogy, that 17:37:21

1 was falling during the class period, right? 17:37:24

2 MR. GLACKIN: Object to the form. 17:37:27

3 THE WITNESS: Well, yes. 17:37:28

4 BY MR. HINMAN: 17:37:30

5 Q. And -- 17:37:30

6 A. But it's not the same rain. 17:37:31

7 Q. -- you would agree with me that in 17:37:32

8 percentage terms at the margin, the additional 17:37:34

9 number of drops that would have fallen without these 17:37:37

10 agreements was very small, right? 17:37:40

11 A. I don't agree with the implication of that. 17:37:43

12 You think these channels were identical in terms of 17:37:46

13 information contact. Channels that were blocked 17:37:48

14 were identical to these outside channels. And I see 17:37:52

15 no evidence of that. I see the opposite evidence, 17:37:54

16 which is these agreements are put in place in order 17:37:57

17 to have an effect on the firms. 17:38:01

18 Q. Would you agree that -- 17:38:02

19 A. Well, I -- 17:38:05

20 Q. Are you -- is it your testimony that the 17:38:06

21 incremental amount of rain would have been 17:38:08

22 significant? 17:38:13

23 A. Well, I think through this -- 17:38:13

24 MR. GLACKIN: Object to form. 17:38:15

25 THE WITNESS: -- plenty other times, but 17:38:16

1 there's a quotation that you've seen from Joe 17:38:16
2 Stiglitz that says that things in the competitive 17:38:20
3 market and information market, is that small changes 17:38:22
4 in information flow can have dramatic impacts on the 17:38:26
5 equilibrium. And so the answer is -- 17:38:31
6 BY MR. HINMAN: 17:38:31
7 Q. Sorry. 17:38:34
8 A. -- these raindrops that you think of as 17:38:34
9 small in terms of the total number of raindrops, 17:38:37
10 they are potentially important for two reasons. One 17:38:37
11 is that these firms chose to interfere in these 17:38:41
12 specific channels. And, secondly, the information 17:38:45
13 economics allows for what seemed like small changes 17:38:48
14 in the informational flow to have large impacts on 17:38:52
15 the equilibrium. 17:38:56
16 Q. Again, what evidence have you seen -- 17:38:59
17 textual evidence have you seen of water cooler chat 17:39:03
18 that you've described leading to increased 17:39:06
19 compensation for anyone? Have you seen any? 17:39:10
20 MR. GLACKIN: Object to the form. 17:39:16
21 THE WITNESS: I haven't seen that sequence. 17:39:18
22 Are you talking about a specific water cooler chat 17:39:19
23 followed by specific chain of conversation? I've 17:39:23
24 not seen that in the documents that are 17:39:26
25 referenced. 17:39:28

1 BY MR. HINMAN: 17:39:28

2 Q. Have you seen any evidence in the 17:39:28

3 documentary record of the manager to manager 17:39:30

4 propagation that you testified to earlier? Do you 17:39:34

5 want me to rephrase that? 17:39:39

6 A. No. 17:39:43

7 Q. Okay. 17:39:44

8 A. I'm trying to think if there is that. 17:39:46

9 Q. Okay. 17:39:48

10 A. It just seems to me there are so many of 17:39:51

11 the HR documents and so much testifying from the HR 17:39:53

12 personnel that the -- that the manager to manager is 17:39:58

13 not necessarily the main conduit by which this thing 17:40:02

14 is -- has an impact on compensation, although it 17:40:06

15 could be a conduit. 17:40:09

16 Q. Okay. Well, okay. So let's unpack that. 17:40:11

17 You don't cite any evidence of manager to manager 17:40:15

18 propagation in your report, do you? 17:40:18

19 A. No, I do not. 17:40:20

20 Q. And now you say it could be significant, 17:40:23

21 but you don't know whether it is or maybe something 17:40:24

22 else is more significant. What's the most 17:40:27

23 significant -- 17:40:30

24 A. What's the most significant? 17:40:31

25 Q. -- mechanism for the propagation of the 17:40:34

HIGHLY CONFIDENTIAL

1 STATE OF CALIFORNIA) ss:
2 COUNTY OF MARIN)
3

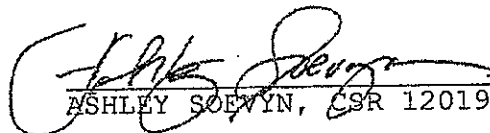
4 I, ASHLEY SOEVYN, CSR No. 12019, do hereby
5 certify:

6 That the foregoing deposition testimony was
7 taken before me at the time and place therein set
8 forth and at which time the witness was administered
9 the oath;

10 That the testimony of the witness and all
11 objections made by counsel at the time of the
12 examination were recorded stenographically by me,
13 and were thereafter transcribed under my direction
14 and supervision, and that the foregoing pages
15 contain a full, true and accurate record of all
16 proceedings and testimony to the best of my skill
17 and ability.

18 I further certify that I am neither counsel for
19 any party to said action, nor am I related to any
20 party to said action, nor am I in any way interested
21 in the outcome thereof.

22 IN THE WITNESS WHEREOF, I have transcribed my
23 name this 17th day of June, 2013.
24

25 
ASHLEY SOEVYN, CSR 12019